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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2004 64028

ROBERTO S. CHUA, P.T.  
1301 Greenleaf Circle  
Plano, Texas 75025

**A C C U S A T I O N**

Physical Therapist License No. PT 14915

Respondent.

Complainant alleges:

**PARTIES**

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about March 16, 1988, the Physical Therapy Board of California issued Physical Therapist License Number PT 14915 to Roberto S. Chua, P.T. (Respondent). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2005, unless renewed.

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3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2609 of the Code states:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

5. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

- (a) Advertising in violation of Section 17500.
- (b) Fraud in the procurement of any license under this chapter.
- (c) Procuring or aiding or offering to procure or aid in criminal abortion.
- (d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapy assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.
- (e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter.
- (f) Habitual intemperance.
- (g) Addiction to the excessive use of any habit-forming drug.
- (h) Gross negligence in his or her practice as a physical therapist or physical therapy assistant.
- (i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.
- (j) The aiding or abetting of any person to violate this chapter or any regulations duly adopted under this chapter.

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1 (k) The aiding or abetting of any person to engage in the  
2 unlawful practice of physical therapy.

3 (l) The commission of any fraudulent, dishonest, or corrupt act  
4 which is substantially related to the qualifications, functions, or  
5 duties of a physical therapist or physical therapy assistant.

6 (m) Except for good cause, the knowing failure to protect  
7 patients by failing to follow infection control guidelines of the  
8 board, thereby risking transmission of blood-borne infectious  
9 diseases from licensee to patient, from patient to patient, and from  
10 patient to licensee. In administering this subdivision, the board  
11 shall consider referencing the standards, regulations, and guidelines  
12 of the State Department of Health Services developed pursuant to  
13 Section 1250.11 of the Health and Safety Code and the standards,  
14 regulations, and guidelines pursuant to the California Occupational  
15 Safety and Health Act of 1973 (Part 1 (commencing with Section  
16 6300) of Division 5 of the Labor Code) for preventing the  
17 transmission of HIV, Hepatitis B, and other blood-borne pathogens  
18 in health care settings. As necessary, the board shall consult with  
19 the Medical Board of California, the California Board of Podiatric  
20 Medicine, the Board of Dental Examiners of California, the Board  
21 of Registered Nursing, and the Board of Vocational Nursing and  
22 Psychiatric Technicians, to encourage appropriate consistency in  
23 the implementation of this subdivision.

24 The board shall seek to ensure that licensees are informed  
25 of the responsibility of licensees and others to follow infection  
26 control guidelines, and of the most recent scientifically recognized  
27 safeguards for minimizing the risk of transmission of blood-borne  
28 infectious diseases.

(n) The commission of verbal abuse or sexual harassment.

6. Section 2661.5 of the Code states:

(a) In any order issued in resolution of a disciplinary  
proceeding before the board, the board may request the  
administrative law judge to direct any licensee found guilty of  
unprofessional conduct to pay to the board a sum not to exceed the  
actual and reasonable costs of the investigation and prosecution of  
the case.

(b) The costs to be assessed shall be fixed by the administrative  
law judge and shall not in any event be increased by the board.  
When the board does not adopt a proposed decision and remands  
the case to an administrative law judge, the administrative law  
judge shall not increase the amount of the assessed costs specified  
in the proposed decision.

(c) When the payment directed in an order for payment of costs  
is not made by the licensee, the board may enforce the order of  
payment by bringing an action in any appropriate court. This right  
of enforcement shall be in addition to any other rights the board  
may have as to any licensee directed to pay costs.

(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(e)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the license or approval of any person who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license or approval of any person who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs.

(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

7. Section 141 of the Code states:

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

**CAUSE FOR DISCIPLINE**

(Out of State Discipline)  
[Bus. & Prof. Code § 141 (a)]

8. Respondent is subject to disciplinary action under Code section 141 for having his Texas physical therapy license disciplined by the Texas Board of Physical Therapy Examiners. The circumstances are as follows:

9. On or about July 23, 2001, the Texas Board of Physical Therapy Examiners issued an Agreed Order disciplining Respondent's physical therapy license. The Agreed Order suspended Respondent's license for 30 (thirty) days and required Respondent to

1 reimburse the Board \$75 for investigative costs. The Texas Board's Conclusions of Law stated  
2 that Respondent had violated the Texas Physical Therapy Practice Act by falsifying treatment  
3 notes to indicate treatments rendered on a date that they were not.

4 10. The Texas Board's disciplinary action against Respondent's physical  
5 therapy license constitutes a violation of Code section 141 (a)

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
8 alleged, and that following the hearing, the Physical Therapy Board of California issue a  
9 decision:

10 1. Revoking or suspending Physical Therapist License Number PT 14915,  
11 issued to Roberto S. Chua, P.T.;

12 2. Ordering Roberto S. Chua, P.T. to pay the Physical Therapy Board of  
13 California the reasonable costs of the investigation and enforcement of this case, pursuant to  
14 Business and Professions Code section 2661.3; and

15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: June 3, 2005

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19 Original Signed By:  
20 STEVEN K. HARTZELL  
21 Executive Officer  
22 Physical Therapy Board of California  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant  
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